

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 9-19) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention, as now most broadly claimed, provides an apparatus for assisting in training players of golf, which includes a platform having first and second coplanar foot support members located on the platform, in which the first coplanar foot support member is fixed in position on the platform, while the second coplanar foot support member is laterally and linearly movable on the platform relative to the first coplanar foot support member. Biasing means urge the second coplanar foot support to be adjacent the first coplanar foot support member, so that in the absence of an externally applied force, the second coplanar foot support member remains adjacent to the first coplanar foot support member. The primary purpose, or intended use of the claimed invention, is to assist a golfer in controlling and stabilizing his or her body movement for seeking to attain a controlled and consistent golf swing.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and effective apparatus for assisting in training players of golf, which includes a platform having first and second coplanar foot support members located on the platform, in which the first coplanar foot support member is fixed in position on the platform, while the second coplanar foot support member is laterally and, preferably, linearly movable

on the platform relative to the first coplanar foot support member, either disclosed or suggested.

By the present amendments, Applicant has amended independent Claims 9 and 17 (and all remaining claims via dependency) to clearly specify that the means for biasing act so that the second coplanar foot support member is to be, and remains, adjacent to the first (fixed) coplanar foot support member, when no externally applied force to the second coplanar foot support member. When an externally applied force is applied to the second coplanar foot support member, the second foot support member moves away from – and is no longer adjacent to – the first coplanar foot support member.

As part of the third Office Action, the Examiner had objected to Applicant's drawing figures of record, and rejected Claims 9-17, pursuant to 35 U.S.C. §112, first paragraph, as not being supported by the written description requirement, and as indefinite under 35 U.S.C. §112, second paragraph, because the "means for biasing" of Claims 9 and 17 were apparently susceptible of two directly opposite interpretations. Be that as it may, it is respectfully submitted that the newly amended language of independent Claims 9 and 17 is consistent with Applicant's originally-filed *Specification* and, consequently, the objection to the drawing figures and the Examiner's 35 U.S.C. §112, first and second paragraphs, rejection of the claims should now be withdrawn.

Turning now, in detail, to the Examiner's prior art rejection, in the third Office Action the Examiner has rejected independent Claim 9 (and various dependent claims) as being anticipated, pursuant to 35 U.S.C. §102(b), by Hsieh, U.S. Patent No. 6,280,366,

on the contention that Hsieh discloses a platform (1), a first coplanar foot support member that is fixed and a second coplanar foot support member, along with means for biasing, sliding means and the combination of a roller and track that can be considered as a roller track assembly. The Examiner has made specific reference to left element “2” as being fixed between elements “15” and “16,” as shown in FIGS. 2 and 6B, as well as right side element “2” in FIG. 6B, as appearing to support the Examiner’s contention that a first coplanar foot support member is fixed relative to a second coplanar foot support member, as Applicant understands the Examiner’s anticipation rejection. Biasing means, according to the Examiner, are shown by elastic ropes (23).

In reply to the Examiner’s anticipation rejection applying Hsich, the prior art citation discloses a multi-purpose sliding exerciser in which FIGS. 2, 6A and 6B of Hsich can, arguably, be said to show a first coplanar foot support member in a fixed position and a second coplanar foot support member laterally movable relative to the first support member. Nevertheless, neither FIGS. 2, 6A nor 6B show the “second coplanar foot support member to be adjacent said first coplanar foot support member, wherein absent an externally applied force, said second coplanar foot support member remains adjacent said first coplanar foot support member,” as now recited in Applicant’s independent Claim 9.

At best, Hsich shows in FIG. 6A that, even when the two coplanar foot support members shown therein may be “adjacent” one another, they are only adjacent with there being “slack” in the elastic rope (23) that is shown. The “biasing means” of the presently claimed invention retains the two coplanar foot support members adjacent one another

when there is no external force applied. The analogous “biasing means” in Hsich, namely, the elastic rope (23), is shown as failing to retain the adjacent relationship between the two coplanar foot support members, otherwise there would be no slack evident in FIG. 6A.

Consequently, because the biasing means of the presently claimed invention retains the two coplanar foot support platforms in an adjacent relationship when there is no external force applied, and the prior art citation of Hsich does not disclose such a relationship between the two coplanar foot supports therein (particularly as shown in FIG. 6A), it is respectfully contended that Hsich neither anticipates, nor renders obvious, the present invention, as now most broadly recited in independent Claim 9.

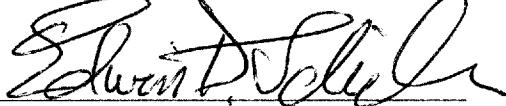
In view of the foregoing, it is respectfully submitted that the Examiner’s 35 U.S.C. §102(b) anticipation rejection of independent Claim 9 has been overcome and should now be withdrawn.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 9-19) recite a novel and effective apparatus for assisting in training players of golf, which includes a platform having first and second coplanar foot support members located on the platform, in which the first coplanar foot support member is fixed in position on the platform, while the second coplanar foot support member is laterally, and preferably linearly, movable on the platform relative to the first coplanar foot support member, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejections and

the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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Enc.: 1. Petition for Three-Month Extension of Time for Response; and,
2. EFT for \$555.00 (Three-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.